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November 20, 2023

**Via ECF**

Hon. Brian R. Martinotti, U.S.D.J.  
U.S. District Court, District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07102

Re: In re Insulin Pricing Litigation, Civil Action No. 2:17-cv-699 (BRM) (ESK)  
Oral Argument

Dear Judge Martinotti:

My firm serves as Interim Liaison Counsel for Direct Purchaser Class Plaintiffs in In re Direct Purchaser Insulin Pricing Litigation, Case No. 20-cv-3426 (“DPCP”), as well as counsel to plaintiffs Local No. 1 Health Fund and Plan of Benefits for the Local No. 1 Health Fund, individually and on behalf of all others similarly situated (“Local 1”), in Local No. 1 Health Fund, et al. v. Eli Lilly & Co., et al., No. 23-cv-21160 (an action within the Insulin Pricing MDL, 23-md-3080).

The Court has scheduled the class certification hearing in In re Insulin Pricing Litigation, No. 17-cv-699, for November 28, 2023, immediately following the MDL case management conference. Last week, Your Honor granted the request of counsel in that case for the class certification hearing to be sealed. I write to respectfully request that counsel for the DPCP and Local 1 plaintiffs be permitted to attend that hearing.

As the Court is aware, counsel for the PBM Defendants made a similar request, see Case No. 17-699, ECF No. 704, and all of the reasons offered by the PBM Defendants to attend the hearing apply equally to the DPCP and Local 1 plaintiffs. As this Court has recognized, there exists a common factual underpinning between the various Insulin litigations. As such, the discovery taken to date in the Direct Purchaser Litigation largely mirrors (and in some instances directly duplicates) what was produced in Case No. 17-699, with said discovery having been produced in accordance with a protective order. As such, plaintiffs’ counsel is likely already in possession of any confidential information that will be referenced at the hearing. And, like the PBM Defendants, plaintiffs’ counsel agrees to treat the hearing as “Attorneys’ Eyes Only” under the protective order issued in No. 20-cv-3426 (an order to which both the Manufacturer Defendants and PBM Defendants have agreed).



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If the Court grants the instant request, plaintiffs respectfully ask that this correspondence be “So Ordered” and entered on the docket.

I thank the Court for its continued attention to this matter.

Respectfully submitted,

*/s/ Matthew F. Gately*

Matthew F. Gately

cc: All Counsel of Record (via ECF)